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October 24, 2017

BY ECF & E-MAIL:

Hon. Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Stallworth, et al. v. Joshi, et al., 17-cv-07119 (RJS)

Your Honor:

I am counsel to the plaintiffs in the above referenced action and am writing to supplement the record in support of our renewed motion for a TRO or our pending motion for a preliminary injunction. I am also moving the Court to enjoin Mr. Stallworth's suspension as required by FRAP 8(a)(1)(C) pending an appeal of the anticipated appeal from the denial of our motion for a TRO or for a preliminary injunction.

Today, Mr. Stallworth received in the mail a letter dated October 18 and signed by TLC General Counsel Chris Wilson. The letter rejects OATH ALJ McGeachy-Kuls' report and recommendation dated September 26, 2017 that the suspension of my license be lifted even though it does not consider the ALJ's factual finding or her conclusion and does not seem to be based on any evidentiary review at all. Mr. Wilson does not even claim that he has been delegated to rule on the suspension or that he has authority to rule.

Mr. Stallworth's license has now been suspended for 81 days without any factual basis for believing he poses a threat to public safety. He electricity has been turned off; he is threatened with eviction; he has been forced to cease his academic study. Given the pace of his criminal case, his suspension will likely last more than 150 days by the time he is reinstated (or in the unlikely event his the TLC claims grounds for revocation of his license). I am attaching a declaration by Mr. Stallworth detailing the continuing and worsening and indeed irreparable harm caused by the suspension of his license.

Though the Court left little doubt that at the September 20 conference that it would deny the motion for a preliminary injunction, the parties dutifully briefed the motion. We submit that the facts supporting the original motion and the events since the original motion merit an of the of the TRO/preliminary injunction motion. If the Court disagrees, it should still grant an

injunction pending appeal of the denial of the motion, which we would hope is ordered quickly to permit clearly such an appeal.

Respectfully submitted,

/s/


Daniel L. Ackman

Encl.

cc: All Counsel (by ECF and e-mail)

IT IS HEREBY ORDERED THAT Defendants shall respond to Plaintiffs' letter no later than Wednesday, November 1, 2017. In particular, Defendants are directed to address the "irreparable harm" prong of the preliminary injunction inquiry in light of Plaintiff Stallworth's submission.

SO ORDERED
Dated:


RICHARD J. SULLIVAN
U.S.D.J.

10/26/17